

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEX DUNTE GREEN,

Defendant.

4:20CR3008

ORDER

Defendant's retained counsel, Timothy S. Noerrlinger, has moved to withdraw. (Filing No. 113). Defendant is eligible for appointed counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. At the request of the undersigned magistrate judge, Peder Bartling has agreed to represent the defendant.

Mr. Bartling will be Defendant Green's fourth attorney in this case. His first appointed counsel withdrew due to verbal abuse and racist statements indicating that Mr. Green would not listen to that attorney. The court appointed a second attorney, who moved to withdraw after Mr. Green verbally abused that attorney, and used highly offensive, profane, and sexist statements when speaking to the counsel's office staff. Defendant Green retained the third attorney, who must now withdraw due to a conflict of interest. Knowing these facts, Mr. Bartling has nonetheless agreed to serve as Green's attorney. The court thanks Mr. Bartling for demonstrating his commitment to both the court and the interests of justice by accepting the appointment to represent Mr. Green.

The background of this case necessitates a warning: While a criminal defendant has the right to counsel, that right can be forfeited by a defendant's offensive words and actions. See e.g., United States v. Thomas, 220 F. Supp. 2d 430 (W.D. Pa. 2002), aff'd, 357 F.3d 357 (3d Cir. 2004). Defendant Green is not Mr. Bartling's only client. If Mr. Bartling is unable to answer when Defendant Green calls, or if Defendant Green is otherwise disappointed with his access to Mr. Bartling or with the legal advice or

communications received, Defendant Green is not permitted to berate Mr. Bartling, his staff, or others in his office by using crude, profane, racist, sexist, and highly offensive language. Defendant Green is not permitted to attempt to intimidate Mr. Bartling, and he cannot engage in or threaten physical force or attacks. Any further offensive and/or threatening antics by Defendant Green may result in a finding that he has forfeited his right to counsel.

Accordingly,

IT IS ORDERED:

- 1) Counsel's motion to withdraw, (Filing No. 113), is granted. Timothy S. Noerrlinger is hereby withdrawn as counsel.
- 2) The clerk shall delete Timothy S. Noerrlinger from any future ECF notifications herein.
- 3) The clerk shall forward this memorandum and order to the Federal Public Defender.
- 4) The clerk shall mail a copy of this order to Defendant Green.
- 5) Peder Bartling is appointed to represent the Defendant Alex Dunte Green in this matter in accordance with the Criminal Justice Act Plan for this district.
- 6) Mr. Bartling shall promptly file an entry of appearance on behalf of Defendant.

April 5, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge